
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Borinquen Broadcasting Co., Inc.)	File No.: EB-FIELDSCR-14-00013593
)	
Licensee of Station WVJP-FM)	NOV No.: V201432680003
)	
Caguas, Puerto Rico)	Facility ID: 6441
)	
)	

NOTICE OF VIOLATION

Released: March 4, 2014

By the District Director, Atlanta Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Borinquen Broadcasting Co., Inc. (Borinquen), licensee of Station WVJP-FM in Caguas, Puerto Rico, and owner of antenna structure number 1011423 in Rio Grande, Puerto Rico. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On February 10, 2014, an agent of the Enforcement Bureau's San Juan Office inspected Borinquen's antenna structure 1011423 located in Rio Grande, Puerto Rico and observed the following violation(s):

- a. 47 C.F.R. § 73.1350: "Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization." According to Station WVJP-FM's station authorization, its transmitter is authorized to be located at 18° 16' 41.00" N 65° 51' 9.00" W. Station WVJP-FM's transmitter is located at 18° 16' 41.27" N 065° 51' 11.81" W, approximately 263 feet from the authorized coordinates.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 47 U.S.C. § 308(b).

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actions taken. Therefore, Borinquen must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Borinquen to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Borinquen with personal knowledge of the representations provided in Borinquen's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
San Juan Office
US Federal Building Room 762
San Juan, PR 00918-1731

6. This Notice shall be sent to Borinquen at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

William Berry
Resident Agent

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

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